

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

MICHELLE D. MULLINS, C.N.A.

ORDER

In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(7) of the Code of Virginia (1950), as amended (“Code”), an informal conference was conducted by a committee of two members of the Board of Nursing (“Board”) on April 13, 2010, in Henrico County, Virginia, to inquire into evidence that Ms. Mullins may have violated certain laws and regulations governing the practice of nurse aides in Virginia. Ms. Mullins was present and was not represented by legal counsel.

Upon consideration of the evidence presented, the Committee adopted the following Findings of Facts and Conclusions of Law.

FINDINGS OF FACT

1. Michelle D. Mullins was issued Certificate No. 1401-060048 to practice as a nurse aide in the Commonwealth of Virginia on June 15, 1996. Said certificate expires on June 30, 2010.
2. Ms. Mullins has an admitted history of substance abuse.
3. On April 4, 2005, Ms. Mullins was convicted of petit larceny, a misdemeanor, in the General District Court of Roanoke City, Virginia.
4. On her application for certification as a nurse aide in the Commonwealth of Virginia, dated April 7, 2006, Ms. Mullins failed to disclose the above-referenced petit larceny conviction, and she failed to disclose that on April 4, 2005, she was convicted of failure to appear, related to said petit larceny offense, in the General District Court of Roanoke City, Virginia.
5. Ms. Mullins was charged with and pleaded guilty to possession of cocaine and felony uttering on June 21, 2005, which were taken under advisement, and caused her to be placed on probation supervision

by the Circuit Court of the City of Roanoke, Virginia. She completed a residential substance abuse treatment program at Blue Ridge Behavioral Healthcare's Shenandoah Recovery Center on February 27, 2006, during which time she participated in individual and group counseling sessions weekly. Following her completion of said program, Ms. Mullins continued weekly individual counseling sessions while she attended aftercare at the Phases substance abuse treatment program. She subsequently enrolled in the weekly continuing care group and continued monthly individual counseling sessions until she completed the requirements of the Drug Court Program on February 8, 2007. She has not had any additional treatment since that time.

6. By an Order to Dismiss entered January 13, 2009, it was noted that Ms. Mullins had satisfied all of the conditions of probation and requirements of the Drug Court Program related to the possession of cocaine charge, and therefore, the charge was dismissed. By a letter dated November 21, 2009, Ms. Mullins' probation officer reported that Ms. Mullins continues on probation for the felony uttering charge until she is able to complete payment of her court costs and restitution. At the informal conference, Ms. Mullins reported that she currently owes \$3,300.00, and is making monthly payments of \$50.00. She stated that she planned to pay the remaining balance before her court date in November, 2010.

7. At the informal conference, Ms. Mullins stated that she has not worked the 12-step program, and only attends NA meetings once every couple of months if a friend asks her to attend. She reported having a support system of peers and stated that she utilizes different coping mechanisms to remain sober.

8. Ms. Mullins reported that she has worked at the same facility as a nurse aide for the past three years with no disciplinary actions. She further stated that her employer was aware that she was present before the Board, and planned to offer her a position as a practical nurse should she become licensed.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(6) of the Code.

2. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) of the Code.

3. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing Certified Nurse Aides.

4. Based on the above Findings of Fact, the Committee concludes that Ms. Mullins is a candidate for the Health Practitioners' Monitoring Program ("HPMP").

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Committee shall TAKE NO ACTION on Certificate No. 1401-060048 of Michelle D. Mullins to practice as a nurse aide at this time, contingent upon proof that Michelle D. Mullins has entered into the HPMP, pursuant to § 54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP, within 45 days of the date this Order is entered.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the certificate of Ms. Mullins, and an administrative proceeding shall be held to decide whether her certificate should be revoked. Ms. Mullins shall be noticed to appear before the Board at such time as the Board is notified that:

a. She has failed to make application to the HPMP;

b. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

c. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or

d. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Mullins' participation in and compliance with the HPMP, the Board,

at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.


3. Ms. Mullins shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

This Order is subject to appeal to the Board. If Ms. Mullins desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within 33 days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

Pursuant to § 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

Entered: May 27th, 2010